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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,973	02/21/2002	Tetsu Shigetomi	450100-03762	2209
20999 7590 01/03/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER JONES, HEATHER RAE	
			ART UNIT 2621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/081,973

Applicant(s)

SHIGETOMI ET AL.

Examiner

Heather R. Jones

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 17, 19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent 7,013,477) in view of Baji et al. (U.S. Patent 5,838,314).

Regarding claim 1, Nakamura et al. discloses an information reproducing apparatus comprising: a receiver for receiving sequentially supplied broadcast information having a first sequence of broadcast portions and a second sequence of commercial broadcast information, the commercial broadcast information separating the broadcast portions (Fig. 2; col. 12, lines 17-35); a storing means (26) for storing the sequentially supplied series of the broadcast information (col. 12, lines 17-35; col. 14, lines 12-20); a commercial detecting means for detecting the commercial broadcast information from the received broadcast information based on predetermined identification information

contained in the broadcast information (col. 12, lines 17-35 – the CM start unit (23) corresponds to a CM detecting unit); a reproducing means for reproducing broadcast information stored in the storing means (col. 14, lines 21-25).

However, Nakamura et al. fails to disclose a controlling means for sequentially reading the detected commercial broadcast information from the storing means and making the reproducing means reproduce the same and, when the detected commercial broadcast information is all reproduced, sequentially the broadcast portions from the storing means and making the reproducing means reproduce the broadcast portion in accordance with the supplied sequence; wherein the reproducing means reproduces the stored broadcast information in a changed sequence by first reproducing all the commercial broadcast information in the second sequence and subsequently reproducing the broadcast portions in the first sequence, wherein the commercial broadcast information are not reproduced at the same time as the broadcast portions.

Referring to the Baji et al. reference, Baji et al. discloses an information reproducing apparatus wherein a controlling means for sequentially reading the detected commercial broadcast information from the storing means and making the reproducing means reproduce the same and, when the detected commercial broadcast information is all reproduced, sequentially the broadcast portions from the storing means and making the reproducing means reproduce the broadcast portion in accordance with the supplied sequence; wherein the reproducing means reproduces the stored broadcast information in a changed sequence by

first reproducing all the commercial broadcast information in the second sequence and subsequently reproducing the broadcast portions in the first sequence, wherein the commercial broadcast information are not reproduced at the same time as the broadcast portions (col. 3, line 58 – col. 4, line 13 – between programs; col. 8, lines 9-10 – the commercials can be arranged on the subscriber's system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reproduced all the commercials before the program begins as disclosed by Baji et al. with the apparatus disclosed by Nakamura et al. in order to allow the user to watch their program uninterrupted and the advertisers still get to show their commercials.

Regarding claim 3, Nakamura et al. in view of Baji et al. discloses all the limitations as previously discussed with respect to claim 1 including that the controlling means sequentially reads said detected commercial broadcast information from said storing means in accordance with a sequence by which said commercial broadcast information was supplied (Nakamura et al: Fig. 4; col. 14, lines 12-20).

Regarding claim 4, Nakamura et al. in view of Baji et al. discloses all the limitations as previously discussed with respect to claim 1 including that the controlling means sequentially reads commercial broadcast information specified by an address of a head part stored in the storing means and a data length

identification information from designated in the storing means (Nakamura et al: Fig. 4; col. 14, lines 12-20).

Regarding claims **17** and **19**, these are method claims corresponding to the apparatus claims 1 and 3. Therefore, claims 17 and 19 are analyzed and rejected as previously discussed with respect to claims 1 and 3.

Regarding claim **31**, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 31 is analyzed and rejected as previously discussed with respect to claim 1.

4. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Baji et al. as applied to claims 1 and 17 above, and further in view of Barritz et al. (U.S. Patent Application Publication 2002/0019769).

Regarding claim **2**, Nakamura et al. in view of Baji et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the controlling means generates a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected.

Referring to the Barritz et al., Barritz et al. discloses an information reproducing apparatus disclosing a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation

of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected (paragraph [0117]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the message system as disclosed by Barritz et al. with the information reproducing apparatus disclosed by Nakamura et al. in view of Baji et al. in order to determine viewer presence during commercials.

Regarding claim **18**, this is a method claim corresponding to the apparatus claim 2. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 2.

5. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Baji et al. as applied to claims 1 and 17 above, and further in view of Levy (U.S. Patent Application Publication 2003/0192060)

Regarding claim **5**, Nakamura et al. in view of Baji et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on electronic watermark information included in image data of the broadcast information.

Referring to the Levy reference, Levy discloses detecting commercial broadcast information based on electronic watermark information (paragraph [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have detected commercial broadcasts based on electronic watermark information in the information reproducing apparatus disclosed by Nakamura et al. in view of Baji et al. to provide the apparatus with a better quality commercial detector.

Regarding claim **20**, this is a method claim corresponding to the apparatus claim 5. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 5.

6. Claims 6, 7, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Baji et al. as applied to claims 1 and 17 above, and further in view of Suito et al. (U.S. Patent 6,285,818).

Regarding claims **6** and **7**, Nakamura et al. in view of Baji et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information.

Referring to the Suito et al. reference, Suito et al. discloses commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information (col. 4, lines 14-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized any method of detecting commercial broadcasts in the information reproducing apparatus disclosed by Nakamura et al. in view of Baji et al. in order to have a better quality commercial detector.

Regarding claims **21** and **22**, this is a method claim corresponding to the apparatus claims 6 and 7. Therefore, claims 21 and 22 are analyzed and rejected as previously discussed with respect to claims 6 and 7.

7. Claims 8, 9, 13, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent 7,013,477) in view of Daniels (U.S. Patent 6,973,669).

Regarding claim **8**, Nakamura et al. discloses an information reproducing apparatus comprising: a receiver for receiving broadcast information and selecting a signal therefrom that includes commercial broadcast information having a supplied sequence (Fig. 2; col. 12, lines 17-35); a storing means (26) for

storing a sequentially supplied series of the broadcast information (col. 12, lines 17-35; col. 14, lines 12-20); a commercial detecting means for detecting the commercial broadcast information from the received broadcast information based on predetermined identification information contained in the received broadcast information (col. 12, lines 17-35 – the CM start unit (23) corresponds to a CM detecting unit); a reproducing means for reproducing broadcast information stored in the storing means (col. 14, lines 21-25); and an inputting means for inputting a commercial designation signal for designating the commercial broadcast information to be reproduced at the reproducing means (Fig. 5; col. 14, line 25 – col. 15, line 8). However, Nakamura fails to disclose a controlling means for sequentially reading the series of broadcast information from the storing means and making the reproducing means reproduce the same in accordance with the supplied sequence, generating image information corresponding to the detected commercial broadcast information and combining the same with the reproduced image of the series of broadcast information, and making the reproducing means reproduce the combined image information, and, when the commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce the commercial broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the broadcast information while not

reproducing, but skipping over the commercial broadcast information which has not been already reproduced.

Referring to the Daniels reference, Daniels discloses an apparatus comprising a controlling means for sequentially reading the series of broadcast information from the storing means and making the reproducing means reproduce the same in accordance with the supplied sequence, generating image information corresponding to the detected commercial broadcast information and combining the same with the reproduced image of the series of broadcast information, and making the reproducing means reproduce the combined image information, and, when the commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce the commercial broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the broadcast information while not reproducing, but skipping over the commercial broadcast information which has not been already reproduced (Fig. 17; col. 25, line 60 – col. 26, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have displayed the commercials at the same time as the program as disclosed by Daniels with the apparatus disclosed by Nakamura et al. so that the user can keep watching their program and only pause when they see a commercial in the corner that interests them.

Regarding claim **9**, Nakamura et al. in view of Daniels discloses all the limitations as previously discussed with respect to claim 8 including that the controlling means suspends reproduction of said series of broadcast information and makes the reproducing means reproduce designated commercial broadcast information when said commercial designation signal is input (Nakamura et al.: Fig. 5; col. 14, line 25 – col. 15, line 8).

Regarding claim **13**, Nakamura et al. in view of Daniels discloses all the limitations as previously discussed with respect to claim 1 including that the controlling means sequentially reads commercial broadcast information specified by an address of a head part stored in the storing means and a data length identification information from designated in the storing means (Nakamura et al.: Fig. 4; col. 14, lines 12-20).

Regarding claims **23** and **24**, these are method claims corresponding to the apparatus claims 8 and 9. Therefore, claims 23 and 24 are analyzed and rejected as previously discussed with respect to claims 8 and 9.

8. Claims 10-12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels as applied to claims 8 and 23 above, and further in view of Kitsukawa et al. (U.S. Patent 6,282,713).

Regarding claim **10**, Nakamura et al. in view of Daniels discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the controlling means combines a still image of a reproduced image of the

detected commercial broadcast information and a reproduced image of the series of broadcast information and makes the reproducing means reproduce the same.

Referring to the Kitsukawa et al. reference, Kitsukawa et al. discloses an information reproducing apparatus wherein the controlling means combines a still image of a reproduced image of the detected commercial broadcast information and a reproduced image of the series of broadcast information and makes the reproducing means reproduce the same (Fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined a still image of a reproduced image of the detected commercial broadcast information and a reproduced image of the series of broadcast information as disclosed by Kitsukawa et al. with the information reproducing apparatus of Nakamura et al. in view of Daniels in order to provide an on-demand electronic advertising information provided for items used in scenes of television programs.

Regarding claim 11, Nakamura et al. in view of Daniels in view of Kitsukawa et al. discloses all the limitations as previously discussed with respect to claims 8 and 10 including that the controlling means erases the still image of said commercial broadcast information from a display area of said reproducing means in the subsequent reproduction of the series of broadcast information when commercial broadcast information has been reproduced in accordance with said commercial designation signal (Kitsukawa et al.: Fig. 6).

Regarding claim **12**, Nakamura et al. in view of Daniels in view of Kitsukawa et al. discloses all the limitations as previously discussed with respect to claims 8 and 10 including the controlling means changes the still image of the commercial broadcast information to a predetermined image showing the commercial broadcast information finished being reproduced in the subsequent reproduction of the series of broadcast information when commercial broadcast information has been reproduced in accordance with the commercial designation signal (Kitsukawa et al.: Fig. 6 – after watching the commercial an indication to the user is given as to whether to store the commercial or to erase the commercial, therefore letting the user know that the commercial is finished).

Regarding claims **25-27**, these are method claims corresponding to the apparatus claims 10-12. Therefore, claims 25-27 are analyzed and rejected as previously discussed with respect to claims 10-12.

9. Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels as applied to claims 8 and 23 above, and further in view of Levy (U.S. Patent Application Publication 2003/0192060).

Regarding claim **5**, Nakamura et al. in view of Daniels discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on electronic watermark information included in image data of the broadcast information.

Referring to the Levy reference, Levy discloses detecting commercial broadcast information based on electronic watermark information (paragraph [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have detected commercial broadcasts based on electronic watermark information in the information reproducing apparatus disclosed by Nakamura et al. in view of Daniels to provide the apparatus with a better quality commercial detector.

Regarding claim **28**, this is a method claim corresponding to the apparatus claim 14. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 14.

10. Claims 15, 16, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Daniels as applied to claims 8 and 23 above, and further in view of Suito et al. (U.S. Patent 6,285,818).

Regarding claims **15** and **16**, Nakamura et al. in view of Daniels discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information.

Referring to the Suito et al. reference, Suito et al. discloses commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information (col. 4, lines 14-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized any method of detecting commercial broadcasts in the information reproducing apparatus disclosed by Nakamura et al. in view of Daniels in order to have a better quality commercial detector.

Regarding claims **29** and **30**, this is a method claim corresponding to the apparatus claims 15 and 16. Therefore, claims 29 and 30 are analyzed and rejected as previously discussed with respect to claims 15 and 16.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Application/Control Number:
10/081,973
Art Unit: 2621

Page 17

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Heather R Jones
Examiner
Art Unit 2621

HRJ
December 22, 2007



JOHN MILLER
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